

REMARKS

New Claim 11 has been added, dependent on claim 1 and directed to fluid oils that are esters of fatty acids, alcohols, hydrocarbons, and mixtures thereof. Support for this amendment may be found at page 4, lines 16-17 of the Specification.

New Claim 12 has been added, dependent on claim 1 and directed to a retinoid stability of at least 70 days at 50°C. Support for this amendment may be found in the Specification at page 7.

Care has been taken not to introduce any new matter.

Claims 1-10 were rejected under 35 USC § 102 as anticipated by Habib et al., EP 832 643 (hereinafter, "Habif"). Applicants respectfully submit that the claims as amended are not anticipated by Habib. Independent claim 1 has been amended to exclude crystal forming and barrier forming compounds as essential ingredients for stabilization. Support for this amendment may be found throughout the Specification. Additionally, polymeric emulsifiers have been further defined in claim 1 to be amphipathic block co-polymers, polymers containing a hydrophilic backbone modified with hydrophobic groups, and mixtures thereof. Support for this amendment may be found at page 5 of the Specification. According to the present invention, stabilization of retinoids takes place in the fluid oil by use of polymeric emulsifiers, rather than through barrier forming and crystal forming compounds. The present invention is directed to a superior alternative stable oil-in-water emulsion for the delivery of retinoids. Therefore, the present invention is neither anticipated nor obvious over Habib.

Applicants respectfully submit that the claims are now in order for allowance and a Notice of Allowance is earnestly requested.

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Attached hereto is a marked-up version of the changes made to the Specification by the current amendment. The attached page is captioned **"Version With Markings to Show Changes Made."**

Respectfully submitted,



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Version With Markings to Show Changes Made

In the Claims:

Claim 1 has been amended as follows.

1. (Amended) A cosmetic oil-in-water emulsion composition consisting essentially of
comprising:
 - (a) a retinoid solubilized in a fluid oil,
 - (b) a polymeric emulsifier selected from the group consisting of an
amphipathic block co-polymer, a polymer containing a hydrophilic
backbone modified with hydrophobic groups, and mixtures thereof.

New Claims 11 and 12 have been added as follows.

11. (New) The composition of claim 1, wherein said fluid oil is selected from the group
consisting of esters of fatty acids, alcohols, hydrocarbons, and mixtures thereof.
12. (New) The composition of claim 1, wherein the half-life of the retinoid in the
composition is at least about 70 days at 50°C.